IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 340/1995

BALESHWAR Vs. STATE OF RAJASTHAN

DATE: 19.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Ms. Kamla Jain with
Mr. Mahendra Singh for the accused-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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This revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 19.07.95 passed by the Sessions Judge, Kota in Criminal Appeal No. 103/93, whereby he upheld the judgment dated 02.12.93 passed by the Additional Chief Judicial Magistrate, Special Court (Communal Riots), Kota in Criminal Case No. 167/93, by which the accused-petitioner has been convicted under Sections 420 and 467 IPC and sentenced to undergo R.I. for one year and a fine of Rs. 100/-, in default of payment of fine to further undergo R.I. for one month under Section 420 IPC and, to undergo R.I. for two years and a fine of Rs. 200/-, in default of payment of payment of fine to further undergo R.I. for two months under Section 467 IPC.

Considering the submissions made by the learned counsel for the accused-petitioner that the petitioner is facing trial since 1978 and had already remained in custody for about one month and keeping in view the law laid down by Hon'ble the Supreme Court in the case of ***State of Maharastra Vs. Jagmohan Singh Kuldeep Singh Anand & Others, reported in 2004(7) SCC 659,*** the accused-petitioner deserves to be let off on the period already undergone by him but the fine imposed upon him is required to be enhanced to meet the ends of justice.

In the result, the present revision petition is partly allowed and the conviction of the accused-petitioner Baleshwar S/o Shri Mangilal under Sections 467 and 420 IPC is upheld and confirmed but the sentence of imprisonment imposed upon him is reduced to the period already undergone by him and the total fine is enhanced to Rs. 5,000/-, in default of payment of fine the petitioner will have to undergo the sentence as awarded by the Appellate Court.

(K.S. RATHORE),J.

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